

Remarks:

Claims 1-6 and 8-15 are now pending in this application. Applicants have amended claims 1-4 and 8-12, cancelled claim 7, and added new claim 15 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner previously rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,293,416 to Keoteklian.

Keoteklian does not disclose the present invention as recited in claim 1 since, among other things, Keoteklian does not disclose a device that includes a hood that includes at least one outlet opening provided on a first side of the hood on a level above a respective inlet opening for allowing fluid recirculation from the inner space of the hood directly to the fluid containment space exterior of the hood, wherein an upper interior surface of the hood is arranged to direct fluid laterally through the at least one outlet to the fluid containment space and in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space. Rather, "outlet" identified by the Examiner in the structure disclosed by Keoteklian directs fluid upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. The fluid then is directed downwards to clarified waste water zone as described at col. 8, lines 63-68. Therefore, Keoteklian does not disclose an outlet on a first side of a hood. Also, Keoteklian does not disclose fluid recirculation from the inner space of the hood directly to the fluid containment space exterior of the hood.

Keoteklian does not disclose a device for removing solids from a fluid containment space within a separator vessel for separating liquids. Rather, Keoteklian discloses a device for separating liquids and solids and actually is for ensuring the mixing of liquids.

Additionally, Keoteklian does not disclose that the fluid is directed laterally by the interior surface of the hood. Rather, Keoteklian discloses that impellers 28 including spinning blades that move the fluid vertically to a secondary mixing zone.

Furthermore, Keoteklian does not disclose flushing means arranged outside the hood for directing flushing fluid from the fluid containment space exterior of the hood towards said at least one inlet opening. Rather, the water jets 32 identified by the Examiner as flushing means do not appear to be arranged outside of the "hood" or direct fluid from outside the hood toward at least one opening in the hood.

Still further, Keoteklian does not disclose recirculation of fluid from outside the hood, to inside the hood, and back out of the hood. It appears in Fig. 3 that any "recirculation" is taking place within the "hood".

In view of the above, Keoteklian does not disclose the present invention as recited in claim 1, claims 2-6, which depend from claim 1, or claim 8, which includes a device as recited in claim 1.

Keoteklian does not disclose the present invention as recited in claim 9 since, among

other things, Keoteklian does not disclose a method that includes directing flushing fluid with flushing means arranged outside of a hood arranged in the fluid containment space towards at least one inlet opening on a first side of the hood. Rather, Keoteklian appears to disclose water jets not arranged outside of the "hood" and directing fluid from outside the hood toward at least one opening in the hood. Additionally, Keoteklian does not disclose directing a part of the fluids that enter an inner space of the hood to flow from said inner space directly back to the fluid containment space exterior of the hood in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space through at least one outlet opening provided on the first side of the hood on a level above the respective inlet opening. On the contrary, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. Therefore, Keoteklian does not disclose the present invention as recited in claim 9 or claims 10-14, which depend from claim 9.

In view of the above, Keoteklian does not disclose all elements of the present invention as recited in claims 1-6 and 8-14. Since Keoteklian does not disclose all elements of the present invention as recited in claims 1-6 and 8-14, the present invention, as recited in claims 1-6 and 8-14, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (Fed. Cir. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v.*

*Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicant respectfully requests withdrawal of the rejection based upon the cited reference.

In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicant urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,



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